

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

THIS MATTER came before this Court on the Second Motion To Dismiss Certain of Plaintiff's Claims, Ct. Rec. 25, filed by defendant Microsoft Corporation on December 28, 2009. On January 13, 2010, Plaintiff filed an Amended Complaint For Damages and Injunctive Relief (Ct. Rec. 29), in which she removed all eight claims at issue in the instant second motion to dismiss. The Court has considered the parties' submissions in support of and in opposition to the second motion to dismiss. Inasmuch as Plaintiff appears to concede the eight claims are without merit, this Court concludes that certain of Plaintiff's claims should be dismissed for failure to state a claim upon which relief can be granted.

WHEREFORE, it is hereby **ORDERED** that Defendant Microsoft Corporation's Second Motion To Dismiss Certain of Plaintiff's Claims, Ct. Rec. 25, is **GRANTED**. The following claims shall be **DISMISSED WITH PREJUDICE**:

(1) Plaintiff's claims under Section 503 of the Rehabilitation Act of 1973;

# **ORDER GRANTING DEFENDANT'S SECOND MOTION TO DISMISS-1**

- 1                   (2) Plaintiff's claim for intentional negligence;  
2                   (3) Plaintiff's claim for negligence;  
3                   (4) Plaintiff's claim for intentional infliction of emotional distress;  
4                   (5) Plaintiff's claim for negligent retention;  
5                   (6) Plaintiff's claim for negligent supervision;  
6                   (7) Plaintiff's claim for reckless indifference; and  
7                   (8) Plaintiff's claim for invasion of privacy.

8                   DATED this 10th day of March, 2010.  
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11                   *s/Lonny R. Sukko*  
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13                   LONNY R. SUKO  
14                   CHIEF U.S. DISTRICT JUDGE  
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**ORDER GRANTING DEFENDANT'S  
SECOND MOTION TO DISMISS-2**